

Interests individuals may possess in the continuance of slavery, the interests of the nation are on the side of its abolition. Confiding our views, therefore, to the slave States, we readily concede that there are two conflicting interests—one on the side of the holders of slaves, who constitute in reality a meager minority of the whole; the other on the side of those who have none. The former no doubt, possess the larger portion of the wealth and intelligence of the community. Hence their interest and influence predominate over those of their more numerous but less powerful compatriots. Hence the voice of the South seems to be always in favor of the perpetuation of slavery. That voice is, however, the voice of a minority. Now, an important point would be gained, if means could be found, not incompatible with justice, of uniting the interests of these different classes. What is demanded in favor of one party, and that the most numerous one, would be merely the extinction of slavery, by which labor would be rendered honorable, and the exertions of freemen be no longer placed in competition with the drudgery of slaves. For the other class, would be required the means of relieving them from the burden of slavery, without giving up what they have been accustomed to consider as their property—an idea to which they cling with a tenacity not easily relaxed. There are, no doubt, among the possessors of slaves, many who are fully conscious of the injustice and burden of the system, who yet see, or imagine they see nothing but ruin before them, in case they abandon the possession of their slave dependants. To such as these, a plan would undoubtedly be acceptable, which should effect the emancipation of the slaves upon what they would regard as an adequate or moderate compensation. There is no inconsiderable number among the slaveholders who have little if any property except their slaves, and who are supported chiefly, if not wholly, by the profit arising from the sale of those slaves in the service of others. Now, however clearly it may be demonstrated that the right by which this imagined species of property is held is destitute of solid foundation, it is hardly to be expected that a plan for the total abolition of slavery, without compensation, would be regarded with much favor by slaveholders of the description here alluded to; yet there is no reasonable doubt that many of them would gladly exchange this slippery species of property for another, even smaller in nominal amount, of a less questionable and more stable tenure.

It is generally conceded that Congress has no power to emancipate the slaves in any of the States; and with this opinion we readily agree, from the consideration that no such power is conferred by the Constitution, and the powers not conferred are retained by the States or by the people. But it must also be remembered that the Constitution confers no power upon Congress to establish or maintain slavery in the States. These were expressly declared to be, "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Now, it could be easily shown that every one of these objects would be promoted by a peaceful extinction of slavery. Congress might then very consistently appropriate a portion of the funds of the nation for the purpose of commensurate the action of the States within their respective domains. Supposing, then, an act of Congress obtained, appropriating a specific sum to be applied for compensating the owners of slaves for the sacrifice they might be required to make, in virtue of a law of their own Legislature, which might emancipate all the slaves within the State, and prohibit forever the introduction of any more, either by birth or immigration—such an act would be obnoxious to no serious objection. The details of such an act would require deliberation and judgment, but the general principle would be easily understood.

It may indeed be objected, that the assumed right to property in slaves, being founded in violence and wrong, can have no proper basis; hence, no compensation for their liberation is due. Yet it may be considered that the system of slavery has been so far encouraged, and the use of and traffic in the produce of slave labor have been, so extensive, that the nation at large may be said to be involved in the guilt of the system, and to have partaken of its profits. A compromise, such as is proposed would, of course, be very different from the compromises usually made between slavery and freedom; and the rights given up by the people of the free States would be merely their own, not the rights of others. A plan of this kind is probably the only one which would receive the approbation, from some time to come, of the States where slavery prevails to any considerable extent. If an act of Congress, such as here alluded to, could be obtained, limiting its application to a specific and moderate sum, it is probable that some of the States where free slaves are held would be the first to accept the offer; and whatever the number of slaves might be, no injustice would be done to the States or to individuals, for no measure would not be consummated without the concurrence of the State Legislature, nor probably without that of the people in general.

One important advantage which a measure of this kind would possess, would be the celebrity which it might be accomplished. In the States where slavery was once tolerated, and afterwards abolished by law, the abolition was effected gradually. In Pennsylvania, which took the lead in this species of legislation, about sixty years were required, after the passage of the law, to produce its ultimate effect. The act of 1780 was justly considered, at the time it was passed, as an important measure; but it is observable that the noble principles laid down in the preamble were not carried out in the act itself. The slaves of the then existing generation were left to wear out their lives in servitude. They had, however, the consolation to know that their children, born after the passage of the act, would be eventually free. In other States, the process was not widely different. But, upon the plan here suggested, the people of any State, sincerely disposed to rid themselves of the evil of slavery might accomplish this object without divesting their masters of what they claim as their property.

A necessary preliminary measure would be the preparation and circulation among our citizens at large, of a memorial to Congress, signed by the advocates of a law directed to the object above proposed. The following form is suggested, as comprising the substance of such memorial.

"To the Senate and House of Representatives of the United States in Congress assembled:

"The undersigned citizens of—respectfully ask that provision may be made by law, that whenever, within a certain period of years, any State of this Union, now admitting domestic slavery, shall decree the emancipation of all slaves and the final extinction of involuntary servitude, except for crime, within her borders, an exact enumeration of said slaves shall be made, and for each and every slave so emancipated there shall be paid from the Treasury of the United States, to the State, for equitable distribution among the slaveholders, a sum of money, to be ascertained as Congress in its wisdom may direct."

The subject is not new to our halls of Federal legislation. It may possibly not be viewed with much favor for some time to come; but if it could be brought prominently into view, and carefully discussed, both in and out of Congress, it might be reasonably hoped that the majority so generally manifested, when questions respecting slavery are under discussion, might be allayed, and a conviction, which the truth certainly warrants, be gradually impressed, that the advocates of emancipation are actually true friends to the interests of the South than the supporters of slavery. The deleterious consequences of the system are obvious to every candid observer, and the interests of an overwhelming majority, even in the slave States, are on the side of emancipation. If, then, the interests of the law, which lie, or are supposed to lie, on the side of the permanence of slavery, could be conciliated by the offer of compensation, derived both from the North and the South, we might reasonably hope, at no distant day, to behold the United States of America in practice as well as in name, "the home of the free."

## THE CINCINNATI SLAVE CASE.

The examination of the alleged slaves, in Cincinnati, was commenced on Wednesday morning of last week, before United States Commissioner Pendery. At nine o'clock the fugitives, Simon Mary, Robert and Margaret, together with the three children of the latter, were brought to the room, guarded by a body of United States Officers and city Police. The Court room without the bar was soon densely packed, but the utmost decorum and order was preserved.

After some preliminary proceedings, the counsel for the fugitives asked for continuance of the examination, that they might have time to prepare their defence. They hoped to be able to prove that the adult defendants had frequently been permitted by their owners to pass to the Ohio side of the river, and they asked for time to subpoena witnesses to prove these facts—on which the liberty of the fugitives, to a certain extent, depended. The affidavits of the fugitives, to this effect, were read.

The Counsel for the claimants opposed the application; the facts set forth were, he thought, insufficient; because it was a well settled principle of law that no one having the custody of a slave can, by an act of theirs, change the relation between master and slave. Therefore, if the parties had been permitted, even, to cross to the Ohio side of the river, it did not affect the rights of their owners. Counsel for the fugitives thought differently; the moment the fugitives touched the free soil of Ohio with the consent and knowledge of their owners, that moment their shackles dropped, and they became free people.

The Court continued the case till Thursday morning—the fugitives, in the mean time being remanded to the custody of the marshal. The Commercial thus describes the incidents attending their removal from the Court room:

"By the time the Marshal was ready to convey them back to jail, a dense crowd had collected in front of the door, filling up the sidewalk and nearly blocking the street. The officers with great difficulty forced a passage to the omnibus which was to convey the fugitives to prison. As fast as a place was cleared it was immediately filled again. We heard a colored woman say to an officer, who was attempting to push her back—'Let me alone, and attend to your own business—I am free born and half white, and have as much right to stand on the sidewalk as any man.' When the slaves were at length brought down stairs and escorted to the omnibus, there was a perfect roar of excitement, and cries such as 'Don't go with them,' 'Stick up for your rights,' 'Stand up for your liberty,' were heard from the crowd."

"We observe two or three watchmen seize a colored man who was doing nothing but endeavoring to retain his position, and as they dragged him off to the station house, he was set upon by two or three others with stars on their breasts, and struck several times about the head and breast. We afterwards saw this man in the cells of the station house, where he stated that his name was Jesse Scott Fassett, and that from the circumstance of having once lived in the immediate neighborhood of having once lived in the immediate neighborhood of where the slaves came from, he had a curiosity to see what was going to become of them. 'That he was standing without opening his mouth, but merely endeavoring to keep from being pressed back, when he was set upon and treated as above described; and what was worse than all, he received a severe kick in the side from some ruffian wearing a star.'"

## THURSDAY.

On the opening of the Court at 9½ o'clock this morning, Mr. Jolliffe stated that he had been informed that warrants had been issued against those of the fugitives who were adults, on a criminal charge, and that an arrangement had been made between the U. S. and the State officers, by which they were not to be served until the investigation had terminated. He would therefore move if any officer had such warrants, he should be permitted to serve them at once.

The LAW OF 1850, PROVIDES THAT NO WARRANT ON ANY EVIDENCE SHALL BE SERVED UPON THE FUGITIVES IN CASE THEY ARE REMANDED TO THE CUSTODY OF THEIR OWNERS. NOT EVEN THE WARRANT FOR MURDER COULD PREVENT THEIR BEING RETURNED TO BONDAGE.

Commissioner Pendery said that since the opening of the Court this morning he had been called upon by the City Marshal with two warrants, claiming four or more of the fugitives, and that he had told him that in order to prevent a collision between the authorities he would not grant them until the investigation was through. Between the termination of the investigation and the time he would take for giving his decision the warrants could be served.

Mr. Jolliffe still pressed his motion. It might seem strange that as the attorney for these people he should demand that they be given up on a charge of murder, but each and all of them had assured him that they would go singing to the gallows rather than be returned to slavery.

Commissioner Pendery declined to make the order then.

Col. Chambers, attorney for the claimant, said he did not wonder so much at these people preferring the gallows to slavery. He should do so too were there no alternative, but he should prefer to be remanded and take a chance for an underground slide at some other time, and he hoped these parties might have that chance.

Mr. Jolliffe rose and said he must go and hunt up his witnesses, for as many of them were colored people, they had not been permitted in the Court room.

Col. Chambers—"I won't wait for any such thing."

Commissioner Pendery stated that there was no law providing for the subpoenaing of witnesses for the defendants or fugitives in such cases. The law provided for the serving of subpoenas issued by the masters, but for none on the behalf of the slave. The U. S. Marshal was under no obligation to serve them, and therefore refused this.

Col. Chambers replied that experience had taught him differently. He had sent accounts for such services to head quarters, and the Comptroller at Washington had refused to allow them.

The Court was then informed that the Marshal disregarded his order, and was still refusing to admit colored people to the Court room.

Mr. Jolliffe stated that the subpoenas they had issued on behalf of the fugitives had been returned to them by the U. S. Marshal. He declined to serve them. Mr. Jolliffe, therefore, asked the appointment of a special deputy Marshal by the Court to serve these subpoenas. He asked the appointment of a special deputy in order that the Court might have the power to issue attachments for witnesses who refused to come. If served by volunteers the Court would have no such power. He would, therefore, ask that Wm. Beckley be

appointed. (Wm. Beckley is a light colored man.)

Col. Chambers objected to the appointment. Mr. Jolliffe stated that Beckley was a citizen of Ohio, and a voter.

Commissioner Pendery said, after talking aside to the Marshal, that he would trouble the Marshal would serve these subpoenas, and he (the Commissioner) would pay the fees out of his own pocket.

Mr. Jolliffe—"Oh no, you shan't do that."

The Marshal then took the subpoenas to serve. Mr. Jolliffe then desired the warrant to be amended as to the fugitive named in it as young Simon. His name was not Simon, but Robert Garner.

Mr. Jolliffe then moved that this prosecution be quashed, on the ground that the warrant had no seal upon it. It had in its place simply a scroll, made with a pen, and the word seal written there. Commissioner Pendery said he thought when he undertook the business of issuing the warrant he knew what he was about.

Mr. Jolliffe then moved a continuance, to allow them to get the witnesses in behalf of Robert Garner.

Commissioner Pendery decided that there was no cause for continuance on that account; and that the case must be proceeded with.

## TESTIMONY FOR THE CLAIMANT.

James Corbin—Am acquainted with James Marshall; he lives in Boone county, Kentucky; know Simon Garner, (the colored man there, the oldest of the two) he belongs to Mr. Marshall; have known him for thirty years; he sold him to Anderson about twenty-four years ago, and promised Simon that when he got able he'd buy him back; Anderson kept him till last spring, when Mr. Marshall bought Simon back from the widow, Mr. Anderson having died; he had lived with a nephew most of the time.

Young Simon belongs to Mr. Marshall; have known him ever since he was born, and have never heard him called by any other name. I know Mary Garner, she belongs to James Marshall; I last saw them at Mr. Marshall's farm two weeks ago.

Cross-examined—Do not know how long it is since Geo. Anderson, died; I think he left no brothers or sisters, or children; do not know who were his heirs at law.

Thomas Marshall being sworn said: I know James Marshall. Have known Simon Garner, (the fugitive there) since my father bought him in April last. Have known young Simon, ever since I can remember; I was raised with him. Know Mary Garner. These persons owed service to Mr. Marshall, under the law of Kentucky. I saw old Mary and old Simon, in Kentucky, on Sunday evening. Young Simon I saw there on Friday night; the old folks were at my brothers, and young Simon at my fathers, they escaped last Sunday night. I next saw them by the Hamilton and Dayton depot, after they were caught last Monday. About 5 weeks before last Christmas I started from my father's to go to Arkansas for a gentleman, young Simon went with me to Covington, we got there on Wednesday evening; I had little difficulty with the gentleman and returned home; I crossed from Covington to Cincinnati on that occasion; young Simon did not cross with me; there I saw him in Cincinnati then; if he was there I do not know it; I crossed about the middle of the day; did not pay ferrage for myself and Simon. I left Simon hired to Mr. Ellison in Covington.

I have not said in the hearing of Mr. George Guilford that Simon had often been in Cincinnati; did not tell him so in the U. S. Marshal's office on the day they were arrested; did not hear these people say to Mr. James Elliott that they had often been in Ohio. (Mr. Elliott was pointed out to be the witness.) He said he had never seen him. The language the witness used was: 'I know not the man.' Mr. Guilford was pointed out to him. 'I have not seen him; he was not in the Marshal's office; was not an agent for his father in general, was only sent after these negroes.'

G. W. Marshall—Am a nephew of Mr. Marshall who claims these negroes.

James Marshall never told him that young Simon had killed hogs for him in Cincinnati. James Marshall was not in the habit of bringing his boys over to this side when he brought hogs over. Re-examined—Never knew of any of these people ever being in the State of Ohio by their master's permission. Never knew them to be here at all until this time.

W. B. Murphy, (the Major Murphey who assisted to make the arrest,) was called and sworn. Said: I know these people as the slaves of Mr. Marshall. They were Mr. Marshall's property by the laws of Kentucky.

Question by Mr. Jolliffe—Was any one murdered during the arrest? Objected to by Col. Chambers—he did not wish to go into all those fancy matters.

Mr. Jolliffe, realized that the fact he intended to bring out, was that the mother of these children, frantic at the time of the arrest, had murdered one of her children, (a little girl) rather than have it taken back into slavery. He did not regard this as a "fancy matter" as Col. Chambers termed it.

The Court rejected the question, when Mr. Jolliffe put it in another form.

Col. Chambers thought this was trifling with the dignity of the Court. Commissioner Pendery said the Court understood how to maintain its own dignity, and would ask Mr. Jolliffe what object he had in proving the fact of the death of the child.

## MR. JOLLIFFE'S REMARKS.

Mr. Jolliffe replied that he intended on the final argument of this case, not only to allege, but to demonstrate conclusively to the Court, that the Fugitive Slave Law was unconstitutional and as part and parcel of that argument, he wished to show the effect of carrying it out. That it had driven a frantic mother to murder her own child, rather than see it carried back to the seething hell of American slavery. (Here loud bursts of applause from the multitude effectually drowned for a moment the marshal's cries of "order, order.") This law was of such a character that its execution required human hearts to be wrung and human blood to be spilt.

The Constitution expressly declared that Congress should pass no law prescribing any form of religion, or preventing the free exercise thereof. If Congress could not pass any law requiring you to worship God, still less could they pass one requiring you to carry fuel to Hell. (Applause order, cried the Marshal.)

The Commissioner was there as the guardian of religious liberty in the United States, and if he acted wisely he would bring happiness to thousands and tens of thousands, but if he followed evil counsel the consequences could not easily be foretold. In a brief time, perhaps in less than six months, the Union might be severed. The stars and stripes might float over separate nations and blood flow between them. He desired to intro-

duce this evidence simply to show the legitimate effects of this law.

For a few moments after Mr. Jolliffe sat down shouts of applause and cries of order filled the Court Rooms.

## MR. FINNELL'S REMARKS.

Mr. Finnell replied to Mr. Jolliffe. He was here, he said, as a Kentuckian and a slaveholder, and he knew some slaves that he loved better than he loved white folks, still he wished more sincerely that there was not a slave in the universe. But there were other systems of slavery besides ours. The Irish were enslaved by England and that man, (looking towards Mr. Elliott) fresh from the bog, had better stayed there and helped his enslaved brethren than come here to meddle with our institutions. He told the story of the flat boatman who entered a bayou of the Mississippi and thought himself at sea, so his friend Mr. Jolliffe had drifted clear out at sea in his remarks. He had gone all to the discussion of morals, which did not belong to the case.

It being then 4 o'clock, the Court adjourned to 9 past 9 this morning.

## FRIDAY.

On the opening of the Court Col. Chambers announced that the claimant had no more witnesses and rested here.

## TESTIMONY FOR THE SLAVES.

Charlotte Armstrong, a colored woman, being sworn, was asked if she ever saw that woman, (pointing to Mary, the elder of the women claimed as slaves.) She replied yes, she had seen her about four years ago at the Bethel Chapel on Sixth street, in Cincinnati. The second time I saw her was in the same chapel, she sat there, in the next pew to me; the third time I saw her I was going down to the river and met her coming up with a market basket, going towards Fifth street market. This was some three years ago, and between eight and nine o'clock in the morning. I said to her you comes over to market very often. She replied yes.

I saw her again on Fifth street market, she was buying marketing, had a basket pretty full. She said it was for her owners.

Col. Chambers—"Never mind what she said." Question—Is that the same woman? Yes sir, that's the same woman, if I was to be qualified to death.

Edward John Wilson, a black man, was called. Had seen that young gentleman, (pointing to young Simon,) before. Was passing down Broadway from my dwelling. It was near the corner of Fourth. That man (young Simon) asked me if I could tell him where Mr. Kite lived. I told him he lived on Sixth street, right near, if I'm not mistaken, to the Bethel church, which is called the old church. He said he wished to go there to stop all night. Then placed him right, and told him the place as near as I could. It is beneath my dignity to tell what time it was. The question was repeated and witness replied:

It is very hard for me to draw these old intellects of mine on that point. Think its near two years ago, as near as I can come at it. Know him by his complexion, and by his feet, he turns them a little out. Have no doubt in my own mind that it is the same man, but can't explain myself any better, as I'm not much in court business, but his face is too plain to be mistaken. There was a white man with him. Think it was that man there (pointing to Marshall, the claimant.)

Cross-examined—Where—What time in the year was this? Ah, that's where you got me—when a man asks me a question, I'm out and gone again. George J. Guilford, called—(Mr. Guilford was called to contradict the statement made by young Marshall, the son of the claimant, that he had never told Mr. G. that these people had been frequently in Ohio.—Rar.) He said;

On the day these fugitives were brought to the office of the United States Marshal, I had a conversation with the young gentleman referred to; Thomas W. Marshall, the son of the claimant, in regard to the time and manner of the escape of these fugitives—names of the claimants and of the defendants—inquired about the manner in which they were treated at home; asked him if they had ever expressed any dissatisfaction with their condition, or had ever evinced any inclination to be free. His reply in substance was that they had always seemed contented. He never imagined that they desired to run off. (Col. Chambers rose to object to this testimony, but finally consented to its admission, as it was designed to contradict and impeach Mr. Marshall.) Witness continued:

Marshall said these people had been on this side of the river frequently. By these people he meant the fugitives here. He did not distinguish between the slaves of Mr. Marshall and Mr. Gaines, 1 was inquiring into these facts, not with any thought of being used as a witness, but for the purpose of publication; I am a reporter for the Commercial newspaper. Mr. Murphy was present at a part of this conversation; and I also explained to him my object in making the inquiries. I called Marshall from the stove to the window, and took out my note book and put down what he said at the time.

Cross-examined—Don't think I can be mistaken as to the identity of Marshall. He was pointed out to me as the son of the claimant, and I have seen him since in Court. Was present at his examination as a witness.

Maj. Murphy came up during the conversation, with an expression of inquiry on his countenance, and I explained to him the purpose for which I was making the inquiries.

Re-examined—Took the substance of the conversation down at the time, and published such as I thought proper afterwards. Have not my notes now. Copy is not preserved in a newspaper office. Mr. Guilford pointed out young Marshall, and said "that is the man."

Eliza McKinney, a light-colored mulatto woman, was sworn. She stated that she had seen that young man (young Simon) before at my house, a little while before last Christmas; he came to my house hunting my father, and I showed him the way to the house. That is the same man. My house at that time was on Sixth street, East of Broadway, in Cincinnati.

Cross-examined—My father is Joseph Kite.

Wm. D. F. Timberlake—Know that man (young Simon.) Had him hired in the fall of '48. Hired him from Mr. Marshall, the claimant there. Did not purchase any wheat in Ohio while he was hired to me. He never came into Ohio with my knowledge, while I had him hired.

Joseph Kite sworn—I know that young man, (young Simon) he was in my house sometime this winter; took supper with me, and he remarked he was glad he took supper with my uncle once. His wife and my son are cousins. Her father was my wife's brother. I lived over in Boone county Co., Kentucky, for years. Saw him here more than once or twice—once driving hogs here, but not positive about it. It was on Broadway; don't know the time, but it was in the winter of this year.

James Elliott sworn—Heard on last Monday there were some fugitives in the U. S. Marshal's office, and went there. I made inquiries about the case. Saw Thomas W. Marshall, the son of the claimant, there. That's him. I asked the colored persons, in Mr. Marshall's presence, if they wanted a lawyer.

I remarked that they must have a lawyer and I would furnish them one, Mr. Marshall remarked that they were in the hands of the United States Officers now, and I said they could not be taken away without a trial. He said we are ready. He then asked me my name, and I told him it was Elliott.

Mr. Jolliffe moved that Rev. A. A. Livermore be appointed a guardian, *ad litem*, for Cilly, (Priscilla,) the child nine months old, and one of the defendants in this case. Objected to by Col. Chambers.

(From 10 o'clock till half past two, the Court was waiting for the appearance of witnesses.)

A habeas corpus, *ad testificandum*, for one of the witnesses for the fugitives, who had been arrested by the Marshal, and sent to jail by the Police Court yesterday, was asked for and granted.

Wm. Alexander, a colored man, sworn—Said: I have seen that young man, (pointing to Simon,) saw him once before Christmas and once on the Christmas. Was coming up Sixth street, and met him just below Broadway, coming down. He asked me where Mr. Kite lived. The next time I saw him was at my own house. Had an hour and a half's conversation with him. Next time I saw him, he was in company with a white man.

That was three or four weeks before Christmas. They were driving hogs up Broadway, when he was at my house. I asked him if he was the same man. (Objected to and ruled out.) Was positive that this is the same man I saw on Broadway.

Betsy Ann Bates, (a light-colored mulatto woman) sworn—Stated that she had seen Mary and old Simon in Covington, but never on this side of the river.

## SATURDAY.

The City Police who had preserved order in the U. S. Court Rooms, on Friday, were excluded on Saturday, and the Court was entirely in the charge of the U. S. Marshals and the Covington (Ky.) Police. One tall, bony, gaunt Kentuckian, (said to be a negro catcher by profession,) with a small, red, sunken eye, hollow cheeks, and a sharp chin, stood erect within the bar watching over the Commissioner. Occasionally he would mount a settee near the railing and wave a huge club (which he carried in lieu of a cane) over the heads of the multitude of white, black, and yellow folks outside the bar. During the day he would occasionally look out of the "free niggers," then suddenly putting his hand to his ear he would dodge his head down to catch a whisper that passed between Mr. Jolliffe and his clients, but he spoke never a word.

A number of Kentuckians remain about the Court, and when it adjourns form a double line of men from the Court Room door to the prisoners' van, and between the files of men the fugitives are passed out. They then follow the omnibus to prevent a rescue. It is said these men have stated that they were prepared to carry the fugitives back to Kentucky at all hazards, but we cannot believe that this is any thing more than bluster.

## TESTIMONY FOR THE SLAVES.

Alfred Gilmore, (a colored man,) sworn—Saw that young man (young Simon) during all the Christmas at the People's Theatre, in this city, at night, as many as four times.

Sarah Kite, colored woman, sworn—Young Simon was at our house during the Christmas. W. M. Marshall, sworn—[Marshall is the police man who was dismissed by the Mayor on a charge of extorting money from him.]

Vincent Hayes, a colored man, sworn—Have seen that young man (young Simon) somewhere between Walnut and Broadway. Had seen him in Kentucky before, was acquainted with him, also with the old man.

Fildin Corbin, said—I saw the young man in Ohio about Christmas. If I mistake not the old man was with them. Mr. Kite brought them to Christmas in company with a colored man.

Question by Mr. Jolliffe—What are the regulations about slaves crossing? Objected to by Mr. Finnell, of Kentucky; but it was finally admitted that the law of Kentucky requires the ferryman to have a permit from the master to allow colored men to or on—if taken across without such permit, the owner of the ferryboat is responsible to the master for the value of the slave.

Commissioner Pendery—Is there any statute in Kentucky about their crossing on the ice? (River was not frozen at Christmas.—Rar.)

Elijah Kite sworn—Saw these people (the fugitives) last Christmas. Young Simon came to my house on Christmas.—He was here two days, one after the other.

Spencer Cash sworn—Saw that man (young Simon) driving hogs in Cincinnati. It was a few days before the Strader's chimneys blew off. (near Christmas,) Saw him three times on that day. Am sure that was the same man.

John Farrar—a very light mulatto, sworn—Saw that man (old Simon,) in Cincinnati, going down towards the river from Lower Market, a short time before last Christmas. Am certain that is the man.

A German Butcher, to whom Marshall had sold hogs, appeared and testified that Marshall brought the two slaves to Ohio, and stayed with them all night at his house, but failed fully to identify Marshall.

Magaret Fisher was then sworn and told to look at the fugitives, and state if she had ever seen any of them before. She said:

I think I've seen that young man before. I think he is the very boy that stayed at our house years ago, but he's grown very much. He stayed all night at Mr. Rice's—my father's. I believe the boy slept with the journeyman. Ques.—Are you satisfied that it's the same boy? Ans.—Yes, sir, I think it is. Ques.—Have you any doubt about it? Ans.—I think it's the boy. I have no doubt of it at all. He was brought there by a gentleman whom father had hogs of. Can't recollect his name just now, but would know it if I heard it. Ques.—Was it Marshall? Ans.—Yes, it was. Ques.—Can you pick him out? Col. Chambers objected, and the Court took the witness and asked her if Marshall was in the room. The witness stood up and looked around for some time. It was a moment of intense interest, for the identity of Marshall with the man who stayed with the negroes at the butcher's was all that was wanting to make the evidence complete. A brother of Marshall, who resembles him strongly, rose, and wit-

ness looked at him eagerly as though about to recognize him as the man, but did not speak. Next to him was a man crouched down, with the head of his cane to his lips and looking stealthily out of the corner of his eyes.—At length witness said: "THAT WAS WITH THE STICK TO HIS MOUTH IS HIM." It was Marshall.

Cross Examined.—Ques.—'Why did you look so hard at the man that rose up?' Ans.—I was just a going to say it was him, and then I looked at him right, and saw it wasn't him.

Ques.—You changed your mind then? Ans.—I didn't change my mind at all. I just thought it wasn't him. It's so long ago a body has to take a good look before they know. Ques.—Did you know the young man there, (young Simon) as soon as you came in the room. Ans.—'Yes sir, I did so.' Ques.—How old and large was he then? Ans.—He was about 10 or 11 years old then.—(Showed how large—4½ or 5 feet.) Never saw him since till to-day. Can't say whether he stayed three or four nights.

Witness was directed to look at Marshall. She said his face was fuller than now. Couldn't say if his body was fatter, but knew his face.—Don't know how he was dressed. Had clothes like the farmers generally have on. Don't remember that old man, (old Simon.) Don't know as he was along.

Ques.—Had Mr. Marshall whiskers on? Ans.—Well, I guess he did have whiskers.

Ques.—Can you point out in the Court-room any other man who sold hogs to your father? Witness stayed all night? Col. Chambers—"No."

Well I didn't bother about them. My business was in the house, and I only noticed those that stayed all night. Witness pointed out another Kentucky hog drover that she had seen at her father's. No other boy stayed there. Might have been other boys just come with him, but they didn't stay there all night. Mr. Marshall slept alone when he started to bed father asked him if the boy would sleep with him; he said no, he could lay on the bare floor. Boy slept with the journeyman, and ate at our table. The little boy behaved first rate; everything his master told him to do he done. Don't know whether his hair was combed the way it is now; he had on a cap. I am going on 27 years old. Have not talked with any body about this case to-day. Simon did not point out his master to me. Did not point his finger to him while I talked with him. Ques.—How did you come to say that the very boy staid at our house all night? Ans.—Because you asked me.

Ques.—By Col. Chambers—"What's the name of that young man (pointing to Simon)? Ans.—If I didn't know you've told me often enough. I didn't converse with Simon about this trial. I sat down by him and he asked me if I knew him. That's all he asked me. Have talked with no one about this case.

Re-Examined.—Don't know anything about what my father stated in Court. That man (pointing to the Marshall) came for me, and I came right down.

## MONDAY.

The Slave holders offered testimony designed to invalidate that of Mrs. Fisher. After its conclusion, Col. Chambers notified the Court that he had closed his testimony. After which by permission of the Commissioner, Mr. Jolliffe called J. Rebold, and Mary A. Rebold, both of whom